

Remarks

This Amendment is in response to the Office Action dated **December 27, 2007**, wherein: the Office objected to the amendment filed April 2, 2004, alleging new matter; and the Office rejected claims 38 – 49 under 35 U.S.C. § 102.

Claims 38, 41, and 44 have been amended. No new matter has been added.

Claims 39 – 40, 42 – 43, and 45 – 49 have been canceled.

The following comments are presented in the same order and with headings corresponding to the rejections set forth in the Office Action.

Specification

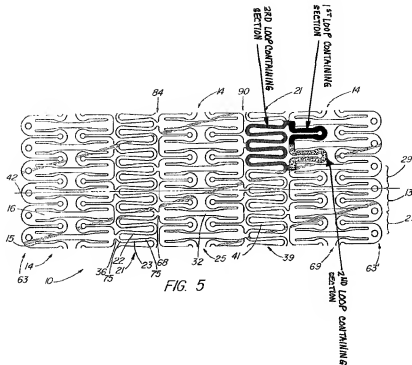
The Office objected to the amendment filed April 2, 2004, alleging new matter. Applicants have amended and canceled claims, as presented above, and assert that the new matter rejection is overcome. Applicants respectfully request removal of the rejection.

Claim Rejections—35 U.S.C. § 102

The Office rejected claims 38 – 49 under 35 U.S.C. § 102(e), alleging the same to be anticipated by U.S. Patent No. 6,231,598 to Berry et al. (hereafter “Berry”).

Regarding Claim 38

Berry fails to teach or suggest all the elements of amended claim 38. Specifically, Berry does not teach or suggest “loops occurring at a second frequency that is higher than said first frequency, said third loop containing band disposed in the generally circumferential space between said first and second loop containing bands,” as recited in claim 38. The Office presented an annotated version of FIG. 5 of Berry, reproduced immediately below:



As seen above, the “3rd loop containing section,” as labeled by the Office, is not a “third loop containing band arranged generally in the circumferential direction between the first loop containing band and the second loop containing band” which is “disposed in the generally circumferential space between said first and second loop containing bands,” as recited in claim 38. As such, Berry is not anticipatory. Applicants request that the rejection be withdrawn.

Regarding Claim 41

Berry fails to teach or suggest all the elements of amended claim 41. The Office has indicated in the annotated version of FIG. 5 of Berry (reproduced above from the Office Action) that Berry includes a 1st loop containing section and 2nd loop containing section on the same circumferential band. In contrast, claim 41 recites “a plurality of first circumferential bands containing a pattern of loops at a first frequency” and “a plurality of second circumferential bands containing a pattern of loops at a second frequency higher than said first frequency, alternating with said first circumferential bands and periodically coupled thereto to form cells.” As such, Berry fails to teach or suggest all the elements of claim 41. Applicants assert that claim 41 is not anticipated and request that the Office remove the rejection.

Regarding Claim 44

Berry fails to teach or suggest all the elements of amended claim 44. As seen above in the annotated version of FIG. 5 of Berry reproduced above from the Office Action, Berry fails to teach or suggest “a third loop containing band arranged between the first loop containing band and the second loop containing band,” as recited in claim 44. As such, Berry is not anticipatory. Applicants request that the rejection be withdrawn.

Conclusion

For at least the reasons presented above, the current application with pending claims 38, 41, 44, and 50 – 55 is believed to be in condition for allowance. Favorable consideration and early action to that effect are solicited earnestly.

Should the Examiner have any questions regarding this Response, the Examiner is invited to contact the Applicants’ undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: February 15, 2008

By: / James L. Shands /

James L. Shands

Registration No.: 54439

6640 Shady Oak Dr., Suite 400

Eden Prairie, MN 55344-7834

Telephone: (952) 563-3000

Facsimile: (952) 563-3001